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**Congress of the United States**  
**House of Representatives**  
**Committee on Appropriations**  
**Washington, DC 20515-6015**

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October 18, 2019

The Honorable David L. Bernhardt  
Secretary  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Secretary Bernhardt:

On September 26, 2019, the four Congressional Co-Chairs of the United States House of Representatives International Conservation Caucus (ICC) sent you a bipartisan letter sharing their collective concern over potentially expiring funding for crucial international conservation work done through grants awarded by the U.S. Fish and Wildlife Service (USFWS).

Today, we are writing in our capacity as Members of the United States House Committee on Appropriations to express our concern over the latitude this Administration continues to take with its funds control authorities, and to make clear that such actions are having negative consequences on the execution of federal programs, in this instance on USFWS international assistance programs.

First, we must make clear that we share the concerns over the serious allegations of human rights violations by certain partner organizations of USFWS, and fully support DoI's efforts to ensure proper safeguards are in place on these funds. However, it is also becoming clear that outside of the Department's efforts to properly install protective terms and conditions on these grants, the Executive Branch—DoI, the Department of State, the U.S. Agency for International Development (USAID), and Office of Management and Budget (OMB)—improperly managed these funds over the course of fiscal year 2019.

The Congress has repeatedly directed that these funds "be provided through direct transfers...no later than 90 days after the enactment of" the relevant appropriations Act. Despite those directions, the funds for these programs have routinely not been transferred until over a year after enactment. While funding has been delayed in previous fiscal years, State and USAID's

ambiguous application of the November 29, 2018, Presidential Memorandum on the Trafficking Victims Protection Act of 2000 extended this year's delays into July.

At that point, the Administration should have proceeded to execute these programs consistent with the intent of the Congress and duly enacted appropriations. Instead, OMB stepped in with a repeat of its misguided efforts to impound foreign assistance funding by deferring—without justification or notification to the Congress—these and other funds in anticipation of a rescission proposal that never materialized. OMB exacerbated that transgression by placing an arbitrarily restrictive cap on USAID funding through the apportionment process, even as these funds neared their date of expiration. This appears to have put USAID in the position of being unable to transfer these funds to USFWS until August 21, 2019.

These concerning delays clearly hampered USFWS's ability to efficiently and effectively execute their international assistance grants programs and left the agency with only weeks to prudently obligate the funding for the conservation grants at issue. Facing the tight timeline created by the Administration's own hand, DoI then attempted to shift their administrative responsibilities to the Congress. The Assistant Secretary for Policy, Management and Budget sent a letter to the House Committee on Natural Resources and transmitted a copy to the Committee on Appropriations on September 17, 2019, stating "[u]nless directed by Congress to do otherwise, the Department will exercise its discretion to hold these funds, and other similar award requests until our internal review is complete." Similar communications from DoI's Office of Congressional and Legislative Affairs with the Committee on Appropriations attempted to increase the pressure on the Congress, in one instance stating:

At this point, the Department is not confident that there are sufficient safeguards in place to adequately monitor all of these grants. Nonetheless, the Department will obligate these funds if directed by a Committee in writing/email. We will need this directive by noon tomorrow if the funds are to be obligated.

The Congress has provided the resources for DoI to administer and execute the programs it oversees, including its international assistance grant programs. While the Congress requires regular consultation and notification from DoI to enable its constitutionally required oversight responsibilities it is not the role of this Committee to provide political cover for DoI.

As we understand from subsequent assurances given by DoI's Office of Planning, Management, and Budget, USFWS obligated all of the transferred funding before it expired at the end of fiscal year 2019 and continues to have the requisite authorities to install appropriate administrative safeguards. Accordingly, we expect that DoI will work with USFWS to expeditiously finalize such safeguards, consistent with USFWS's authorities and in compliance with the Impoundment Control Act of 1974.



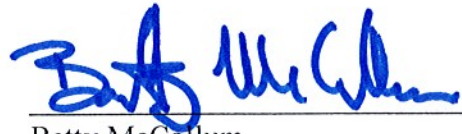
Given DoI's entreaties for consultation with the Congress on this issue, we expect additional and timely updates—in advance of any final determinations—on the Department's efforts to facilitate the execution of these important conservation programs.

Thank you for your attention to this important matter.



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Nita M. Lowey  
Chairwoman



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Betty McCollum  
Chair  
Subcommittee on the Interior, Environment,  
and Related Agencies

cc: The Honorable Russel Vought, Acting Director  
Office of Management and Budget

The Honorable Mick Mulvaney, Acting Chief of Staff  
The White House